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FRANK'S LAWYERS SCORE

METHODS OF THE POLICE

Rosser and Arnold
Condemn

Custody of Witnesses
as

Outrage on Decency

Editor of The Journal:

So many things foreign to fair play have happened
heretofore in the Frank case that nothing now seems to matter.
Anything, no matter how outrageous, seems to pass muster.

Police officers brazenly do things that, in ordinary cases, would provoke an outburst of indignation.

This is well illustrated in the case of the Negro, Albert McKnight. Albert came into notoriety during the jury trial of Frank by swearing to the most potent falsehoods.

After the trial, he recanted, as he now claims, by influences improperly exerted upon him.

Then, under some potent influence, he cantered back again to his old role as perjurer.

These various performances of Albert are not rare enough in creatures of his character to excite comment or to suggest danger.

There are among whites and blacks a tribe of shiftless, shifting witnesses, who are easily, by persuasion or fear, led into perjury and who, when the pressure is lifted, slide back to the truth.

Albert evidently belongs to that tribe. When under potent influence and pressure he can easily be led into silly falsehood. When uninfluenced, and at liberty like almost everybody else, whether wise or ignorant, he naturally slips back to the truth.

RETIREMENT IN CELL.

As a matter of fact, it differs very little whether Albert swore the truth on Frank's trial and a lie thereafter, or whether he lied at the trial and told the truth thereafter.

But the attitude of the police, as shown in the Albert McKnight incident, matters a great deal. They are not content—as in decency and public safety they ought to be—in getting, freely and voluntarily, the truth from Albert; but, when they get what they want—truth or no truth—they see that Albert goes into the comfortable retirement of a cell at the police station, to be, as we are informed, cared for and fed at the public expense.

This, upon the surface, may seem a small affair, but a moment's consideration will show how dangerous it is. If ignorant witnesses, when and as soon as they make statements pleasing to the state or retract statements unpleasing, are to be voluntarily or involuntarily locked up in the station house and held day and night under partisan police protection, aloof and apart from everybody but the prosecution, even the best and most peaceful citizen may, at any moment, be placed in great danger.

And if, in such situation, there is danger even to the popular and strong, what about the danger to the weak, the stranger, or the man or woman temporarily suffering from unjust prejudice and suspicion? No just, fair-minded citizen can contemplate this situation without the greatest apprehension!

If the prosecution can find it wise to give Albert McKnight an asylum in the station house, and the courts and public opinion permit it, what is to prevent every witness against Frank and, indeed, every witness that can be bull-dozed away from Frank, from occupying the cells of the police barracks, entertained at the public expense, and at all times under the sway and spell of partisan police methods and safe from other influences, no matter how wise, fair or just?

POLICE TRAINED WITNESS.

Conley was the first police pet, police trained witness. There had been one before. This Conley departure, during the excitement of the Frank trial, was apparently indorsed by the courts and the public.

This Conley experience was so successful, it trained and preserved Conley so skillfully, that the prosecution could not resist repeating it in the case of Albert McKnight. And if it passes muster in the Albert McKnight case, we may expect it to become a regular fixed institution; hereafter the public will at once, through the police, take charge of and incarcerate all the witnesses in the case, both for the defense and the prosecution; those for the state—so that their stories told to the police may

suffer no change, no matter what the truth may be; those for the defense—so that the power and force of the police may lead them if not into silence, at least into a moderation of statement.

The state's power is potential enough when witnesses are left free and untrammelled with no influence but their consciences to guide them. It becomes a mighty engine of oppression and tyranny, when false witnesses are held firmly by cells and police surveillance.

NO PERSON IS SAFE.

Let it come, as it seems it may, that men and women are hereafter to be tried by police-nursed, jail-fed witnesses, and no man and woman in Fulton County will be safe.

Frank suffers from such methods today. Tomorrow the sufferance may be the wisest and best! Put the witness in the hands of the police and, at once, the courts and juries come under their subsection and control. The police witness has not always been of the best repute, but better for the police witness himself, than the police-held, police-trained and police-fed witness!

No matter what may be the fate of Frank, the incarceration of Minola McKnight, the caressing and petting of Conley by police and prosecution, the harboring and supporting of Albert, and the threats and intimations against other witnesses will, in the sane, calm years to come, be a foul stench in the nostrils of the people of Fulton County, as it is today in cities not suffering from the excitement and hysteria of the Frank Trial.

(Signed)

L. Z. ROSSER.

R. R. ARNOLD.

MAY POSTPONE HEARING OF FRANK TRIAL MOTION

Death of Mother of J.
Haas,

Counsel for
Defense, May

Cause Delay

The hearing of the extraordinary motion for a new trial for Leo M. Frank and the motion to set aside the verdict of guilty on technical grounds will probably not commence on Wednesday morning. A postponement on account of the death of the mother of Herbert J. Haas, associate counsel for the defense, will be asked.

When the hearing is commenced, a number of amendments to the extraordinary motion will be filed by the defense, and these

will likely include the finding of Detective William J. Burns, who says that he is ready to report on the case, whenever counsel for the defense wishes his report made. In this report the detective will exonerate Frank and attempt to pin the crime upon Jim Conley, the Negro sweeper. Burns has not stated this in so many words, but Tuesday he reiterated his former assertions; first, that the crime was undoubtedly committed by a pervert; and second, that Frank is not a pervert.

TO EXPLAIN EVERYTHING.

“Everything about the case, which has been termed a mystery,” says the detective, “is explained in my report. The report is so convincing that I believe Solicitor General Dorsey, being a fair man, will have his theory changed, and that he and the city detectives will unite in the effort to get Frank a new trial in order that this evidence, which I will produce, can be placed before the proper tribunal.”

Attorney Luther Z. Rosser and Reuben R. Arnold, of the Frank defense, would not intimate when they will ask the detective for the report.

Neither would they divulge the nature of the amendments to the extraordinary motion, which are already prepared for filing.

Hugh M. Dorsey has been working like a Trojan in an effort to be ready to combat the many points in the two motions, and he is said to have many counter affidavits from vacillating witnesses which he will file with the court. The solicitor is in almost constant communication with W. M. Smith, attorney for the Negro Conley, whom Dorsey has promised to protect from prosecution as long as he remains in office.

Four city detectives, working under Dorsey's directions, are busy interviewing the various witnesses.

WOMAN SEES CONLEY.

A Mrs. Waits, who has not figured in the case before, went to the tower Tuesday morning with Detectives Starnes and Campbell and Attorney Smith to see Jim Conley.

It is said that Mrs. Waits went there to identify the Negro as a black whom she claims passed her house, which is on the route that Conley says he took from the factory to his home on the day of the tragedy, between 1:30 and 2 o'clock. The woman would not talk to reporters, nor would the detectives. However, if the story she is said to tell is substantiated, she would prove a witness to corroborate the Negro's story.

Dorsey on Tuesday would not amplify his statement that perjury prosecutions in the case are likely. He has said that if prosecutions are commenced, he will not stop with the "small fray," and he broadly insinuates that many perjury and bribery prosecutions, involving important figures in the case, will come at a later date. He positively refuses to be specific.

Dorsey refuses to say whether or not he will be ready for the hearing when the case is called. However, he is practically certain to ask for time when the amendments to the extraordinary motion are filed.
